IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. WJC No.795 of 2008
VIJAY SINGH
Versus
THE UNION OF INDIA & ORS
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3 12.11.2008. Heard the petitioner and the Union of India.

In the instant writ petition, the petitioner prays for release of his truck being registration no. MP 09 KD 3394, seized by respondent no.5, Inspector –cum-Seizing Authority, Customs (Preventive) Division, Muzaffarpur on 14.12.2007 on alleged charge of carrying Garlic and Betal Nuts of 3rd Country Origin.

It is submitted on behalf of the petitioner that he is merely an owner of the aforesaid public carrier truck and not of the goods loaded on it as one Transport Company had hired the same. He further submits that he has filed a petition before the Commissioner of Customs for release of his truck. He also submits that no useful purpose would be served by keeping the truck in the lock up. It is also submitted on behalf of the petitioner that the Apex court in the case of Sunder Bhai Amba lal Desai Vs State of Gujrat, versus reported in 2003(2) PCCR 36 emphasized the expeditious release of vehicle on appropriate sureties.

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In view of the above, this court is of the view that the Commissioner of Customs, Patna would dispose of the representation of the petitioner in the light of the aforesaid decision of the Apex court releasing the truck in question on appropriate sureties inclusive of cash sureties of Rs.25,000/- to his satisfaction on proof of ownership.

Petitioner will give an undertaking that he will produce the vehicle as and when needed in enquiry by the prosecution.

The writ petition is disposed of accordingly.

Shashi. **(S.P.Singh,J)**